



General Assembly

Substitute Bill No. 312

February Session, 2014



**AN ACT CONCERNING A LONG ISLAND SOUND RESOURCE AND
USE INVENTORY AND A LONG ISLAND SOUND BLUE PLAN.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective October 1, 2014*) (a) The Secretary of the
2 Office of Policy and Management, in conjunction with the Long Island
3 Sound Resource and Use Inventory and Blue Plan Advisory
4 Committee, established pursuant to subsection (c) of this section, and
5 within available resources, shall: (1) Coordinate the completion of a
6 Long Island Sound Resource and Use Inventory that is comprised of
7 the best available information and data regarding the natural resources
8 within Long Island Sound and the uses of Long Island Sound,
9 including, but not limited to, all: (A) Plants; (B) animals; (C) habitats;
10 (D) ecologically significant areas in nearshore and offshore waters and
11 substrates of such waters; (E) uses of such waters and substrates,
12 including, but not limited to: (i) Recreational and commercial boating
13 and fishing, (ii) shellfish beds, (iii) aquaculture facilities, (iv) shipping
14 corridors, (v) energy facilities, and (vi) electric power line, gas pipeline
15 and telecommunications crossings; and (F) any updates and additions
16 to the comprehensive environmental assessment and plan completed,
17 in accordance with section 25-157a of the general statutes; and (2)
18 develop a Long Island Sound Blue Plan that may include maps,
19 illustrations and other media. Such Long Island Sound Blue Plan shall:
20 (A) Establish the state's goals, siting priorities and standards for

21 ensuring effective stewardship of the waters of Long Island Sound
22 held in trust for the benefit of the public; (B) promote science-based
23 management practices that take into account the existing natural,
24 social, cultural, historic and economic characteristics of planning areas
25 within Long Island Sound; (C) preserve and protect traditional
26 riparian and water-dependent uses and activities; (D) promote
27 maximum public accessibility to Long Island Sound's waters for
28 traditional public trust uses, such as recreational and commercial
29 boating and fishing, except when necessary to protect coastal
30 resources, preserve public health, safety and welfare, or when it is in
31 the interest of national security; (E) reflect the importance of the waters
32 of Long Island Sound to the citizens of this state who derive
33 livelihoods and recreational benefits from boating and fishing; (F)
34 analyze the implications of existing and potential uses and users of
35 Long Island Sound with a focus on avoiding potential use conflicts; (G)
36 be based upon the Long Island Sound Resources and Uses Inventory,
37 prepared pursuant to subdivision (1) of this subsection, with provision
38 for the ongoing acquisition and application of up-to-date resource and
39 use data, including seafloor mapping; (H) reflect the value of
40 biodiversity and ecosystem health in regard to the interdependence of
41 ecosystems; (I) identify and protect special, sensitive or unique
42 estuarine and marine life and habitats, including, but not limited to,
43 scenic and visual resources; (J) adapt to evolving knowledge and
44 understanding of the marine environment, including adaptation to
45 climate change and rise in sea level; (K) foster sustainable uses that
46 capitalize on economic opportunity without significant detriment to
47 the ecology or natural beauty of Long Island Sound; (L) support the
48 infrastructure necessary to sustain the economy and quality of life for
49 the citizens of this state; (M) be coordinated with local, regional and
50 federal planning entities and agencies, including, but not limited to,
51 the Long Island Sound Study and National Ocean Policy's Northeast
52 Regional Planning Body; (N) be coordinated, developed and
53 implemented, to the maximum extent feasible, with the state of New
54 York; (O) be developed through a transparent and inclusive process
55 that seeks widespread participation of the public and stakeholders and

56 encourages public participation in decision making; (P) identify
57 appropriate locations and performance standards for activities, uses
58 and facilities regulated under existing state permit programs,
59 including, but not limited to, measures to guide siting of uses in a
60 manner compatible with said Long Island Sound Blue Plan; and (Q) be
61 consistent with the state plan of conservation and development and
62 the goals and policies described in section 22a-92 of the general
63 statutes. The secretary may accept, on behalf of the state, any gifts,
64 grants, donations or bequests for the purposes of assisting the
65 completion of the Long Island Sound Resources and Uses Inventory
66 and the development of a Long Island Sound Blue Plan.

67 (b) For the purposes of this section, the submerged lands and waters
68 subject to the secretary's planning, management and coordination
69 authority under the Long Island Sound Blue Plan shall include Long
70 Island Sound and its bays and inlets from the mean high water line, as
71 defined by the most recent data of the National Oceanic and
72 Atmospheric Administration, to the state's waterward boundaries with
73 the states of New York and Rhode Island. Any siting policies,
74 identification of locations, or performance standards for activities, uses
75 and facilities under the Long Island Sound Blue Plan shall apply in a
76 spatial planning area located seaward of the bathymetric contour of
77 minus ten feet North American Vertical Datum to the state's
78 waterward boundaries with the states of New York and Rhode Island.
79 Such spatial planning area shall be designated on a map to be
80 prepared by the advisory committee established pursuant to
81 subsection (c) of this section.

82 (c) There is established a Long Island Sound Resource and Use
83 Inventory and Blue Plan Advisory Committee that shall assist the
84 Secretary of the Office of Policy and Management with the drafting of
85 the Long Island Sound Resource and Use Inventory and the Long
86 Island Sound Blue Plan, described in subsection (a) of this section. Said
87 advisory committee shall consist of the following members: (1) The
88 Commissioner of Energy and Environmental Protection, or the

89 commissioner's designee, (2) a member from a marine-related program
90 at The University of Connecticut, (3) a representative of the Office of
91 Maritime Affairs within the Department of Transportation, (4) a
92 representative of the Bureau of Aquaculture within the Department of
93 Agriculture, (5) the Commissioner of Economic and Community
94 Development, or the commissioner's designee, (6) a representative of
95 the Connecticut Siting Council, (7) a representative of the marine
96 trades industry, (8) a representative of a conservation organization that
97 specializes in coastal issues, (9) a representative of the gas and electric
98 distribution industries, (10) a representative of the commercial
99 shellfish and finfish industries, (11) a representative of the recreational
100 fishing and hunting community, and (12) a representative of a
101 nonprofit organization with expertise in marine assessments and
102 planning. Each appointed member shall be appointed by the Governor
103 and shall serve at the pleasure of the Governor. The secretary shall
104 convene the first meeting of such advisory committee not later than
105 sixty days after the effective date of this section and shall serve as the
106 chairperson of such advisory committee. The secretary may request
107 members of the advisory committee to assist with administrative
108 functions of the advisory committee, including, but not limited to,
109 convening and noticing meetings and drafting assessments and
110 reports. The advisory committee shall be located in the Office of Policy
111 and Management for administrative purposes only.

112 (d) The Long Island Sound Resource and Use Inventory and Blue
113 Plan Advisory Committee shall hold not less than three public
114 hearings in different coastal municipalities of the state to receive
115 comments and submissions from the public and interested persons
116 and may provide for other public outreach and input measures, as
117 appropriate, to assure sufficient stakeholder engagement and
118 representation. The advisory committee shall assist the secretary in
119 completing a draft of the Long Island Sound Resource and Use
120 Inventory and the Long Island Sound Blue Plan not later than July 1,
121 2017.

122 (e) During the drafting of the Long Island Sound Resource and Use
123 Inventory and Long Island Sound Blue Plan, and prior to making such
124 draft available for public comment, in accordance with subsection (f) of
125 this section, the advisory committee shall consult with representatives
126 of the telecommunications industry, coastal municipalities, waterfront
127 businesses, a tribal nation, the shell fish industry, the commercial fin
128 fishing community, the tourism or recreation industry and an
129 organization involved with coastal or marine hunting.

130 (f) Upon completion of the draft Long Island Sound Resource and
131 Use Inventory and the Long Island Sound Blue Plan, the secretary shall
132 make such draft available for public review and comment and shall
133 publish notice thereof in not less than five newspapers of general
134 circulation, the Environmental Monitor and the Connecticut Law
135 Journal. The secretary shall cause such draft and notice of public
136 comment period to be posted on the Internet web site of the
137 Department of Energy and Environmental Protection and the Office of
138 Policy and Management. Such notice of public comment period shall
139 provide for a public comment period of not less than ninety days. Not
140 later than ninety days after the end of such public comment period, the
141 secretary shall adopt a final draft of the Long Island Sound Resource
142 and Use Inventory and the Long Island Sound Blue Plan.

143 (g) Upon completion of the final draft of the Long Island Sound
144 Resource and Use Inventory and the Long Island Sound Blue Plan,
145 such inventory and plan shall be submitted to the joint standing
146 committee of the General Assembly having cognizance of matters
147 relating to the environment. Said committee, not later than forty-five
148 days after the start of the next occurring legislative session following
149 receipt of such inventory and plan, shall submit such inventory and
150 plan, in conjunction with the committee's recommendation for
151 approval or disapproval of such inventory and plan, to the General
152 Assembly. Such inventory and plan shall become effective when
153 approved by a majority vote of each chamber of the General Assembly.
154 In the event that the General Assembly disapproves the plan, in whole

155 or in part, such inventory and plan shall be deemed to be rejected and
 156 shall be returned to the advisory committee for revision.

157 (h) Upon approval of such inventory and plan: (1) Such plan shall
 158 be considered as a factor in the review of applications pursuant to
 159 sections 25-157b, 22a-361 and 22a-359 of the general statutes and may
 160 be utilized for guidance in pre-application discussions between the
 161 Commissioner of Energy and Environmental Protection and
 162 applicants, (2) the Commissioner of Energy and Environmental
 163 Protection shall seek necessary federal approval to incorporate the
 164 Long Island Sound Blue Plan as an enforceable policy in the state's
 165 coastal management program under the federal Coastal Zone
 166 Management Act, (3) the secretary and the Commissioner of Energy
 167 and Environmental Protection shall, within available resources,
 168 develop and implement a public outreach and information program to
 169 provide information to the public regarding the Long Island Sound
 170 Blue Plan, (4) the secretary and the Commissioner of Energy and
 171 Environmental Protection shall provide for the review and update of
 172 such inventory and plan at least once every five years and any revision
 173 to such inventory and plan shall become effective upon approval by
 174 the General Assembly, in accordance with subsection (g) of this
 175 section, (5) the advisory committee, not later than six months after
 176 such approval, shall advise the secretary on the operation,
 177 implementation and updating of the inventory and plan, as applicable,
 178 and shall meet on a quarterly basis to review implementation of such
 179 plan, identify emerging issues and recommend any necessary or
 180 desirable alterations or improvements to such plan, and (6) the
 181 advisory committee shall, within available resources, hold not less
 182 than one public hearing each year to receive comments and
 183 submissions from the public on such inventory and plan.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2014</i>	New section
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ENV *Joint Favorable Subst.*

PD *Joint Favorable*

GAE *Joint Favorable*